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FORT LAUDERDALE CITY COMMISSION  
MARCH 20, 2001**

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**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
MARCH 20, 2001**

Meeting was called to order at 6:10 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Gloria F. Katz  
Commissioner Carlton B. Moore  
Commissioner Cindi Hutchinson  
Commissioner Tim Smith  
Mayor Jim Naugle

Absent: None

Also Present: City Manager F. T. Johnson  
City Attorney Dennis E. Lyles  
Assistant City Clerk Nancy Ball  
Sergeant At Arms

Invocation was offered by *Father Happy Hoyer*, Our Lady Queen of Martyrs Church.

Pledge of Allegiance to the Flag.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith that the agenda and minutes of the meeting as shown below be approved:

Regular Meeting      March 15, 2001

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle.  
NAYS: none.

NOTE: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

## **Presentations ..... (OB)**

### **1. Community Appearance Board's WOW Award**

Commissioner Smith presented the Community Appearance Board's WOW Award to:

*Glenn and Rita Sanderson*  
1629 Northeast 1st Avenue  
South Middle River Civic Association

He reported that the Sandersons purchased the property in 1951 and built their home in 1953, living in it ever since that time. The home sat on a large corner lot, and the yard displayed a wide variety of local plants, including fruit trees. Bushes, flowers, and even a vegetable patch made the front lawn colorful. Commissioner Smith stated that home gives a pleasant and warm feeling to the neighborhood, helping to improve the appearance of the area. He presented Mr. and Mrs. Sanderson with a gift certificate from Causeway Lumber, the sponsor of the WOW Award program.

### **2. "April Pools Day"**

Commissioner Moore read aloud and presented a proclamation declaring March 20, 2001 as "April Pools Day" in the City of Fort Lauderdale and encouraged everyone to support water safety and drowning prevention. Mr. Steve Person, Recreation Superintendent, accepted the proclamation on behalf of the Parks & Recreation Department. He stated that April Pool's Day recognized the importance of the Learn to Swim Programs throughout the State of Florida, and he reported that over 319 people drowned in Florida last year, and 58 of those drownings occurred in Broward County. Mr. Person recognized the frontline staff who had implemented these programs. Commissioner Moore wished to congratulate staff on an excellent job at Bass Park in particular.

### **3. "Richard Harden Day"**

Commissioner Katz read aloud and presented a proclamation declaring March 20, 2001 as "Richard Harden Day" in the City of Fort Lauderdale in recognition of 38 years of dedicated service to the City in the Public Services Department on the occasion of his retirement. Mr. Harden felt 38 years was a long time, but he'd had the distinct pleasure of serving the citizens of Fort Lauderdale. Although there had been some regrets, they had been few, and Mr. Harden thanked his family and the City.

### **4. Water Restrictions**

Mayor Naugle announced that even with the recent rain, Fort Lauderdale was still facing a water shortage. He encouraged everyone to "turn it off!" Mayor Naugle reminded everyone to limit lawn watering and car washing to 2 days per week, and he noted that once a week watering was probably sufficient. He suggested that people repair dripping faucets and check for toilet leaks using a free leak detection kit. Mayor Naugle also suggested installation of low flow showerheads or water flow restrictions, and he encouraged everyone to preserve this precious natural resource.

Mayor Naugle announced that **Items No. O-1 and O-2** would be deferred to July 3, 2001, and **Item No. O-4** would be considered on first reading. There would also be an addition **Item No. M-16**, which was not listed on the published agenda.

**Consent Agenda ..... (CA)**

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

**Event Agreement – Club Med Corporate Run ..... (M-1)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Team Footworks** to indemnify, protect, and hold harmless the City from any liability in connection with the **Club Med Corporate Run** to be held **Thursday, April 19, 2001 from 5:00 p.m. to 9:00 p.m.** at New River Village; and further authorizing the closing of the following route beginning at 6:45 p.m.: starting on S.E. 6 Street at S.E. 5 Avenue, west to Andrews Avenue, north to East Las Olas Boulevard, east to S.E. 3 Avenue, south to S.E. 14 Street, west to S.E. 1 Avenue, U-turn to return to S.E. 3 Avenue, north to S.E. 6 Street, west to S.E. 1 Avenue, north to South New River Drive, and east to finish on South New River Drive and S.E. 5 Avenue.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-376 from City Manager.

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**Event Agreement – Spring Boat Show ..... (M-2)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Marine Industries Association of South Florida** to indemnify, protect, and hold harmless the City from any liability in connection with the **Spring Boat Show** to be held **Friday, May 18, 2001 from 10:00 a.m. to 7:00 p.m., Saturday, May 19, 2001 from 10:00 a.m. to 7:00 p.m., and Sunday, May 20, 2001 from 10:00 a.m. to 5:00 p.m.** at George English Park.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-375 from City Manager.

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**Event Agreement – Agape 3 – The Fest ..... (M-3)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **First Priority of Broward** to indemnify, protect, and hold harmless the City from any liability in connection with **Agape 3 – The Fest** to be held **Friday, March 30, 2001 from 5:00 p.m. to 10:00 p.m. and Saturday, March 31, 2001 from 9:00 a.m. to 10:00 p.m.** at the Fort Lauderdale Stadium grounds.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-374 from City Manager.

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**Event Agreement – 12<sup>th</sup> Annual MS Walk..... (M-4)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **National Multiple Sclerosis Society** to indemnify, protect, and hold harmless the City from any liability in connection with the **12<sup>th</sup> Annual MS Walk** to be held **Sunday, April 1, 2001 from 7:00 a.m. to 2:00 p.m.** at Birch State Park and the beach area sidewalks.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-373 from City Manager.

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**Event Agreement – Spring Carnival ..... (M-5)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Our Lady Queen of Martyrs Church** to indemnify, protect, and hold harmless the City from any liability in connection with the **Spring Carnival** to be held **Thursday, March 29 through Sunday, April 1, 2001 as follows: Thursday, 6:00 p.m. to 10:00 p.m.; Friday, 5:00 p.m. to 11:00 p.m.; Saturday, 12:00 noon to 11:00 p.m.; and Sunday, 12:00 noon to 10:00 p.m.** on Church property; and further authorizing the closing of Happy Hoyer Street from S.W. 27 Avenue to S.W. 28 Avenue from 9:00 a.m. Monday, March 26 to 5:00 p.m. Monday, April 2, 2001.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-402 from City Manager.

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**Baltimore Orioles – Use of Fort Lauderdale Stadium – Spring Training 2002..... (M-6)**

A motion authorizing the proper City officials to execute a one-year extension with the Baltimore Orioles for use of Fort Lauderdale Stadium for Spring Training 2002.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-337 from City Manager.

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**Grant Application – Baseball Tomorrow Fund ..... (M-7)**

A motion authorizing the proper City officials to apply for a grant for approximately \$80,000 from the Baseball Tomorrow Fund to support baseball and softball opportunities for minority youth; and further authorizing the proper City officials to execute all documents necessary to accept such grant funds.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-377 from City Manager.

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**Contract Award – Florida Blacktop, Inc. -  
Project 10331 – Annual Contract (2001) for Speed Hump Installation ..... (M-8)**

A motion authorizing the proper City officials to execute an agreement with Florida Blacktop, Inc. in the amount of \$143,211.80 for speed hump installations throughout the City.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-214 from City Manager.

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**Third Amendment to Agreement – South Florida  
Water Management District (SFWMD) – Alternate Water Supply Grant ..... (M-9)**

A motion authorizing the proper City officials to execute the third amendment to agreement with SFWMD for the Alternate Water Supply Grant, to extend the grant period to May 2002.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-342 from City Manager.

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**Agreement – Downtown Development Authority (DDA) –  
Project 15395 – Broward Boulevard Streetscape Improvements ..... (M-10)**

A motion authorizing the proper City officials to execute an agreement with the DDA, providing that the DDA will provide project funding in the amount of \$345,890.11 to the City to be applied toward the Florida Department of Transportation (FDOT) project to install concrete paver block details in the Broward Boulevard intersections of Andrews Avenue and Third Avenue. (Also see Item R-1 on this Agenda)

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-313 from City Manager.

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**Offer of Judgment – Hyde Park Market Condemnation –  
Purchase of Property from Coolidge-South Markets Equities, L.P. .... (M-11)**

A motion authorizing the proper City officials to make an offer to purchase the Hyde Park market property from Coolidge-South Markets Equities, L.P.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 01-347 from City Manager.

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**Transfer of General Fund Contingencies – Cash Match for  
Department of Community Affairs Alternative Fuel Transit Services Grant ..... (M-12)**

A motion authorizing the transfer of \$150,000 from General Fund Contingencies to GEN040201/4201 to use as the City's cash match for the Department of Community Affairs Alternative Fuel Transit Services Grant.

**Funds:** See Memo

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 01-406 from City Manager.

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**Program Amendment for  
Increase in Funding - The Negro Chamber of Commerce Project ..... (M-13)**

A motion authorizing a program amendment and increase in project funding for The Negro Chamber of Commerce project from \$200,000 to \$350,000.

**Funds:** See Memo

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 01-251 from City Manager.

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<b>PURCHASING AGENDA</b>
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**Proprietary Purchase – Multi-space Parking Meters ..... (Pur-1)**

An agreement to purchase sixteen multi-space parking meters for various City parking lots by Administrative Services, Parking Service Division is being presented for approval.

Low Responsible Bidder: Schlumberger Technologies  
Chesapeake, VA  
Amount: \$ 162,558.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-362 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

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**Bid 312-8456 – Gunlocks with Racks ..... (Pur-2)**

One year agreement to purchase gunlocks with racks by the Administrative Services, Fleet Services Division is being presented for approval.

Low Responsible Bidder: Law Enforcement Supply Company  
Miami, FL  
Amount: \$ 34,474.00 (estimated)  
Bids Solicited/Rec'd: 60/5 with 11 no bids  
Exhibits: Memorandum No. 01-352 from City Manager

The Purchasing Division recommends award of this contract to the lowest responsive and responsible bidder.

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**Professional Services – Professional Webmaster Services ..... (Pur-3)**

An agreement to purchase temporary professional Webmaster services for the City's Website by the City Manager, Public Information Office is being presented for approval.

Low Responsible Bidder: Aquent Partners  
Miami, FL  
Amount: \$ 25,600.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-354 from City Manager

The Purchasing Division has reviewed this item and supports the recommendation to purchase temporary professional services.

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**Proprietary Purchase – Firefighting Protective Clothing ..... (Pur-4)**

An agreement to purchase 75 sets of firefighting protective clothing (bunker gear) by Fire Rescue Department is being presented for approval.

Low Responsible Bidder: Safety Equipment Company  
Orlando, FL  
Amount: \$ 115,050.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-292 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

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**Contract 202-8368 – Additional OSHA Medical Training ..... (Pur-5)**

An agreement to purchase additional OSHA medical training by Police Department is being presented for approval.

Low Responsible Bidder: Physician Associates  
Fort Lauderdale, FL  
Amount: \$ 12,000.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-363 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve additional services to contract.

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**Bid 212-8442 – Ammunition ..... (Pur-6)**

An agreement to purchase ammunition by the Police Department is being presented for approval.

Low Responsible Bidder: Lawmen & Shooters' South (WBE)  
Davie, FL  
Gulf State Distributors  
Montgomery, AL  
Amount: \$ 46,508.52  
Bids Solicited/Rec'd: 32/4 with 4 no bids  
Exhibits: Memorandum No. 01-358 from City Manager

The Purchasing Division recommends award of to the lowest responsive and responsible bidders.

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**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-2, M-6, M-7, M-8, M-10, M-11, M-12, M-13 and Pur. 3 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Event Agreement – Spring Boat Show ..... (M-2)**

Commissioner Katz was concerned about this primarily because this Park had already been closed for 7 or 8 months, and it would not be reopened until the end of April or beginning of May, but this Boat Show would be the first event. She stated that the community was divided on this issue, and area residents were concerned about traffic, impacts on the school, and destruction of the new Park.

*Mr. Kaye Pearson*, President of Show Management Yachting Promotions, said he had been producing boat shows and other events for over 25 years in this community and had a very clean track record. He assured the Commission that the plan for this event was complete and well thought out. It was sensitive to the traffic issue with a traffic control plan including signage and police. Mr. Pearson stated that if there were any damage to the Park, it would be restored to at least its original condition immediately. He advised that this process had been initiated in early January, and he had followed all instructions from City staff to address all of the concerns.

*Mr. Paul Newly*, of the Coral Ridge Association, said the neighborhood had reservations, and they had met with City staff, school administration, and Show Management. He reported that all of the concerns had been addressed, and the Association had no problem with this Show at all.

Commissioner Katz asked if all of the over 500 members of the Association had voted on this issue. Mr. Newly replied they had not. He explained that the Board had been elected to consider issues of this nature, and it had appointed a 3-member committee to address this particular event. Commissioner Katz said she had received a number of letters and phone calls, and this was a public park that had just been reconstructed. It was located in a residential neighborhood, and the Show was a commercial venture. Therefore, she felt Show Management should provide \$20,000 worth of improvements to the Park and provide a \$60,000 surety bond in case there were any damages.

Mr. Greg Kisela, Assistant City Manager, reported that Show Management had agreed to construct a fence by the new basketball courts, which was estimated to cost \$3,000 to \$5,000. In addition, \$5,000 would be donated to the neighborhood Association for some landscaping improvements. Further, the City would receive \$1 per paid admission, and a \$10,000 cash or surety bond would be provided for any damages to the Park. He advised that the City did not usually require large security deposits.

Mr. Kisela stated that staff had considered the reputations of Show Management and the sponsor, the Marine Industries Association of South Florida. He advised that staff was comfortable with representations that any damage to the Park would be repaired.

Commissioner Hutchinson said she had received a letter from Ms. Harriet Kaye, President of the Coral Ridge Association, indicating that all of the concerns of the neighborhood had been addressed, but she wished Commissioner Katz was more comfortable with the idea. Commissioner Hutchinson hoped the \$1 per paid admission coming to the City would be reinvested in this particular Park. Mr. Kisela advised that was the intent.

Commissioner Katz noted that if it rained, fewer people would attend the Show, so she did not think the amount paid to the City would be more than \$7,000 to \$10,000. Mr. Kisela pointed out that Show Management had also committed to providing the new fence.

*Mr. Frank Herhold*, of the Marine Industries Association of South Florida (MIASF), stated that the organizers had worked hard to be good neighbors, and he believed all the concerns raised by the neighborhood and City staff had been addressed. He was asking for a one-time opportunity to demonstrate how this Show could benefit both the marine industry and the community. Mr. Herhold advised this was a small, local show with a lot of benefits for the community, particularly children. He described some of the activities that were planned and stated that this Show was very important to the hometown industry, and he did not feel the figures mentioned by Commissioner Katz were fair, realistic or within reach.

Commissioner Smith understood the fence work was worth about \$7,000. Commissioner Katz noted that was just for a portion of the fence, and there was additional fencing necessary. Commissioner Smith also understood \$1 per paid admission would be invested to the Park. Mr. Kisela estimated attendance at 7,500 people. He estimated that the attendance fees and the fence work would amount to about \$12,000. Commissioner Smith wondered if the organizers would be willing to commit to that amount, rain or shine, and offer a personal guarantee with respect to any damages.

Commissioner Katz said she would not be willing to accept that compromise. She understood that Mr. Pearson ran great shows and brought a lot of business to the community, but she wanted to put the best face possible on this Show to the community. She pointed out that this was a residential park. Commissioner Katz also pointed out that the organizers had paid a great deal more to Bahia Mar when the Spring Boat Show had been held at that venue.

Mr. Pearson believed that with the commitment to the neighborhood association, the amount that would be contributed was fairly close to \$20,000, at about \$17,000. He was somewhat offended by the request for a \$60,000 surety bond. Mr. Pearson pointed out that he had produced the largest Boat Show in the world in 6 locations for 25 years, and damages had never gone beyond \$25,000 or \$30,000, in a very unusual year. He noted that the large Show had 30 times the number of people attending, and perhaps 100 times more in terms of exhibits, boats, and equipment. Mr. Pearson could think of no reason why a \$60,000 bond should be required, particularly in light of his track record throughout the United States.

Commissioner Moore said the liability coverage that would be provided was enough for him, particularly in light of the \$5,000 going to the homeowners' association, the fence improvement, and the \$1 per paid admission for Park improvements. However, he pointed out that the difference appeared to be only about \$3,500, and he wondered if Mr. Pearson would commit to a minimum of \$20,000 through these various methods.

Commissioner Katz understood Mr. Pearson had provided \$30,000 surety bonds in other cities, and this involved a brand new Park. Mayor Naugle believed Mr. Pearson had demonstrated that any damages, regardless of the cost, would be repaired. He was offended by this suggestion as well. Mr. Pearson clarified that he had never provided a \$30,000 surety bond. Rather, the greatest level of damage that had ever occurred had been less than that amount. Mr. Pearson stated that no security bond was provided for the Fort Lauderdale International Boat Show.

Mayor Naugle acknowledged that some people were skeptical, and the neighborhood was split on the issue. He felt the challenge this year would be to make a good impression on the community so the site would be available next year. Mayor Naugle thought this should be on a trial basis. Commissioner Katz said she would support the event provided \$20,000 worth of improvements were made as discussed. Mr. Pearson was willing to make that commitment.

Commissioner Moore asked if arrangements had been made with the Galleria Mall for parking. Mr. Pearson replied that arrangements had been made, and he had hired a sufficient number of police officers to ensure pedestrian safety. He stated that he had done as much planning for this small boat show as he did for very large shows, and every detail had been given attention. Mayor Naugle hoped there would be officers on the north side of the Park to prevent people from parking on lawns. Mr. Pearson stated that there would be ample security and signage.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith that Consent Agenda Item No. M-2 be approved with a \$20,000 commitment for Park improvements as discussed. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Baltimore Orioles – Use of Fort Lauderdale Stadium – Spring Training 2002** ..... (M-6)

Commissioner Moore viewed this as a \$250,000 deficit to the City's taxpayers, as he had over the past 13 years as a Commissioner. He could not support this loss. Commissioner Smith understood the estimated economic impact of this was nearly \$25 million. Mr. Vince Gizzi, Parks & Recreation Department, noted that there was also television exposure of Fort Lauderdale almost every night during spring training. Commissioner Moore thought that if the money could be spent for this kind of exposure, there should be enough money so the City would not experience a loss. He noted that over time, the City had subsidized a multimillion dollar industry.

Commissioner Hutchinson asked what the City received in terms of revenue. Mr. Gizzi replied that the City received 25% of the ticket sales, which equaled about \$150,000. In addition, the City received 50% of skybox revenues plus parking revenues of about \$75,000, and about \$125,000 from 24% of concession sales. He stated that the Orioles paid for any overtime costs, amounting to about \$28,000, and they paid all the police and security costs.

Mayor Naugle pointed out that even if the Orioles were not in Fort Lauderdale, the City would still lose money on maintaining the property, but it would receive less revenue. He noted that the property could be demolished and put to some other use, or perhaps some other events could be held at the site to try to make up the gap in maintaining the facility year round. Mr. Gizzi stated that several other events were held, but they were not of the magnitude necessary to subsidize the loss. Commissioner Smith understood the Orioles would be making other plans in the future. Mr. Gizzi believed the Orioles would prefer to stay in Fort Lauderdale.

Commissioner Moore believed the stadium was maintained year round to accommodate spring training. Mr. Gizzi agreed it was maintained for spring training and for some other activities. Commissioner Moore thought there were other ways in which this venue could be used, and the City would not have to spend \$400,000 per year on maintenance but for spring training.

Mayor Naugle inquired about the other uses of the stadium. Mr. Gizzi reported that high school baseball games were played here, and the Fusion used the facility for 6 months. Mayor Naugle asked about the capacity, and Mr. Gizzi replied there were 8,340 seats. He added that the venue was also used for Little League baseball, Fantasy baseball, and charity baseball games. In addition, staff was trying to develop and promote use of this facility for festivals and special events.

Commissioner Moore pointed out that there were various other facilities available for baseball and other special events, and he saw no reason for the City to operate this facility at a deficit. Mayor Naugle asked about the next largest City baseball facilities. Mr. Gizzi thought perhaps 500 people could be accommodated elsewhere. Commissioner Moore inquired about attendance at the last Oriole's game, and Mr. Gizzi believed attendance averaged 5,500. Mayor Naugle understood some 20,000 young people had attended Zetafest.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Smith that Consent Agenda Item No. M-6 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Hutchinson, Katz, and Mayor Naugle. NAYS: Commissioner Moore.

**Grant Application – Baseball Tomorrow Fund ..... (M-7)**

Commissioner Moore asked if staff would work with Dillard High School in this respect. Mayor Naugle asked that Stranahan and Fort Lauderdale High Schools be contacted as well. It was agreed.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-7 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Contract Award – Florida Blacktop, Inc. – Project 10331 – Annual Contract (2001) for Speed Hump Installation ..... (M-8)**

Commissioner Smith wondered what other cities paid for speed humps because the price had increased some 50%. Mr. Peter Partington, Public Services Department, said that Broward County built comparable speed humps at a cost of \$2,240, which was comparable to this price of \$2,200. Commissioner Smith asked how quickly speed humps would be installed. Mr. Partington advised only about 3 had been formally approved, and another 8 met the criteria. He thought the approval process would take 5 or 6 months, but some would be installed within the next 2 or 3 months.

Commissioner Smith noted a typographical error in the back-up material under Item 8, column 2, which should have read Northeast 16<sup>th</sup> Street instead of Court.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-8 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: none.

**Agreement – Downtown Development Authority (DDA) – Project 15395 – Broward Boulevard Streetscape Improvements ..... (M-10)**

Commissioner Moore wanted to publicly commend the Commission for its vote change as to the other improvements done on Broward Boulevard, and to compliment the DDA on the improvements done thus far.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith that Consent Agenda Item No. M-10 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: none.

**Transfer of General Fund Contingencies – Cash Match for Department of Community Affairs Alternative Fuel Transit Services Grant ..... (M-12)**

Commissioner Katz asked if any of this money could be used for planning of mass transit on the beach. Mr. Horace McHugh, Assistant to the City Manager, stated that this amount had been committed as a match for this grant. He explained that this was a clarification of a prior commitment, and the service was already being provided.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-12 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Program Amendment to Increase in Funding –  
The Negro Chamber of Commerce Project ..... (M-13)**

Commissioner Katz asked who had authorized construction without a tenant or money. Mr. Pete Witschen, Assistant City Manager, replied that this dated back about 2 years and involved a prior loan, and financial commitments from Union Planters Bank that took longer due to the fact that there was no tenant commitment. He explained that staff was proposing this as a way of getting the building finished and viable, and to also take care of some space needs for Housing & Community Development staff. Mr. Witschen believed this would have a positive budget impact and provide a positive amenity on the Sistrunk corridor.

Commissioner Katz was concerned because the Commission had been put in a situation in which it could not say “no.” She did not think construction should have been started until money and a tenant were in place. Mr. Witschen stated that one alternative was to wait until private financing had been put into place, but he believed this action would be more expeditious and ensure sufficient money in the budget to operate and maintain the building.

Mayor Naugle understood the City Commission had voted on this previously. He asked if all the terms and conditions outlined by the Commission at the time had been fulfilled. Mr. Witschen replied that progress payments had been monitored to ensure the work was completed, and there was still money that had not been disbursed yet.

Commissioner Moore felt this was a very important project, and part of the financing problem had been due to a building design change. He felt this provided an opportunity to allow non-profit organizations currently located in the Mizell multipurpose center to be tenants in the Negro Chamber of Commerce building. That would allow the placement of City staff in the Mizell building, and he expected a breakeven budget situation while keeping this project moving forward. Commissioner Moore noted that there were individuals present who supported staff’s recommendation, which would keep the project on track and address some in-house space needs.

Commissioner Katz did not like being put in this position. Mayor Naugle asked when it had been presented to the Commission. Ms. Faye Outlaw, Community Development, said it had been presented to the Commission in November 1998.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-13 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Professional Services – Professional Webmaster Services ..... (Pur. 3)**

Commissioner Moore was surprised that no local individuals had shown any interest in this contract. The City Manager explained that the City had its own webmaster for a limited amount of time, but the arrangement had not worked out. He stated that contracting for these services had been done while recruiting for the City’s webmaster position before, and this question had probably arisen at that time. He explained that Miami was considered local, although he understood Commissioner Moore’s point.

Commissioner Moore understood the cost would be up to \$25,000. Mr. Kirk Buffington, Purchasing Manager, agreed this was the amount estimated to provide services while the City went through the recruitment process again.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith that Consent Agenda Item No. Pur. 3 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Mayor Naugle recognized *Mayor Jim Fiore* in the audience, of Wilton Manors. Commissioner Moore pointed out that Mayor Fiore was also the President of the Broward League of Cities. Commissioner Smith noted that the work being done along Wilton Manors Drive was sensational.

**Offer of Judgment – Hyde Park Market Condemnation –  
Purchase of Property from Coolidge-South Markets Equities, L.P. .... (M-11)**

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson authorizing special counsel for the City in the Hyde Park condemnation action to make an offer of judgment to the defendant for \$8,075,000. Roll call showed: YEAS: Commissioners Smith, Hutchinson, Katz, and Mayor Naugle. NAYS: Commissioner Moore.

**Police Professional Liability Settlement File PPL 96-826 (Novy Dare)..... (M-14)**

A motion was presented authorizing the settlement of Police Professional Liability File PPL 96-826 (Novy Dare) in the amount of \$55,000. Commissioner Moore felt the City had a problem police officer in this matter.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the settlement of Police Professional Liability File PPL 96-826 (Novy Dare) in the amount of \$55,000. Roll call showed: YEAS: Commissioners Smith, Hutchinson, Katz, and Mayor Naugle. NAYS: Commissioner Moore.

**General Liability Settlement File GL 97-240 (Bernadette Griffin) ..... (M-15)**

A motion was presented authorizing the settlement of General Liability File GL 97-240 (Bernadette Griffin) in the amount of \$32,500. Commissioner Moore did not know how the City was going to go about being more responsive in these issues. Mayor Naugle noted that the item being presented was settlement of a claim, although the Commission could discuss how to avoid these situations in the future.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the settlement of General Liability File GL 97-240 (Bernadette Griffin) in the amount of \$32,500. Roll call showed: YEAS: Commissioners Smith, Hutchinson, Katz, and Mayor Naugle. NAYS: Commissioner Moore.



**Settlement Agreement – New River Village Associates, Ltd. ..... (M-16)**

A motion was presented authorizing the proper City officials to execute a settlement agreement with New River Village Associates, Ltd. to provide for a dismissal of all pending claims against the City and releasing the City from any and all actions arising out of the reduction of the Phase III development from 24 stories to a maximum of 18 stories, and to reimburse the developer for attorney's fees not to exceed \$250,000 through an arbitration process, and miscellaneous other terms and conditions.

**Motion** made by Commissioner Moore and seconded by Commissioner Katz to approve the settlement agreement with New River Associates, Ltd. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Amend ULDR (Chapter 47) -  
Central Beach and Barrier Island Zoning District (PZ Case No. 18-R-99) ..... (PH-1)**

At the Planning and Zoning regular meeting of November 15, 2000, it was recommended (as noted in Memorandum No. 01-290) that the following application be approved. Notice of the public hearing was published on January 30, 2001. On February 6, 2001, the City Commission deferred first reading to March 20, 2001 by a vote of 5-0. (Also see PH-2 on this Agenda).

Applicant: City of Fort Lauderdale  
Request: Amend ULDR Sections 47-12, and other sections applicable to Central Beach and Barrier Island provisions.

Mayor Naugle called for those who wished to be heard. The following appeared:

Mr. Chris Wren, Community and Comprehensive Planning Manager, recalled that a full presentation had been provided at the February 6, 2001 meeting, after which the Commission had elected to defer a vote until this meeting. He noted that this item should not be confused with the discussion about floor area ratios (FARs) scheduled under Item No. PH-2. Mr. Wren stated that the recommendations outlined in the back-up material related to changes in the Code affecting the barrier island, and most were geared toward the central beach area.

Mr. Wren advised that staff continued to recommend a process that would allow someone to demonstrate that a modification could have merit. He stated that in the SLA, such modifications would include 0' yards provided an overall height of 80', west of Breakers Avenue, and only on parcels located on Sunrise Boulevard. He explained that development rights for IOA properties could be transferred to the NBRA properties. Outside the central beach, in the non-residential and residential zoning districts but for single-family districts, Mr. Wren recommended design guidelines, 10' sidewalks for mixed use projects, density not to exceed 25 units per acre, and shade trees across the street from any residential use.

Mr. Wren stated that staff and the Planning & Zoning Board found these recommendations consistent with the Comprehensive Plan and suggested approval as presented. Commissioner Smith referred to balconies up to 8' in depth. He recalled a case in which a balcony was enclosed for a breakfast area, and he wondered if a clarification should be included to state that a balcony was open without windows or walls. Mr. Wren stated that balconies were unenclosed, non-air conditioned space. He did not know if a definition change was necessary but, if so, staff would present a recommendation.

*Ms. Debbie Orshefsky*, representing owners of property within the central beach area and as a resident of Fort Lauderdale, was troubled because all of the regulatory changes considered over the past 3 years were directed towards reducing density and intensity in an area that had been identified as a world class destination resort. She did not know if that goal had been taken into consideration. She felt that if that goal could not be achieved, this ordinance would be inconsistent with the revitalization plan and the Comprehensive Plan.

Ms. Orshefsky thought the City was exposing itself to great liability under the Burt Harris Act because private property rights would be directly affected by this action. Further, to take these kinds of regulatory measures without considering that liability was inappropriate for the City Commission. Ms. Orshefsky did not take these things lightly and had monitored activities under the Burt Harris Act, which had cost the City of Miami Beach hundreds of thousands of dollars as a result of this sort of “wholesale down-zoning.” She did not want the same thing to happen to the City of Fort Lauderdale.

*Mr. Gus Moore*, of the Central Beach Alliance, noted that this item pertained to 0’ yards and heights of 80’ on properties facing Sunrise Boulevard. He suggested extension of the 80’ height restriction throughout the SLA zoning district, which was only a 4-block area that already had 5 high rise buildings.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith to close public hearing. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Commissioner Smith explained that the reason for reducing the 20’ setback on Sunrise Boulevard was that it made the property impossible to redevelop. He noted that a change had been made on Sunrise Lane without realizing it would have the same affect. Although he knew that could not be considered this evening, he wanted to consider it zoning in progress from this moment forward and then take up the issue of restricting height to 80’ on Sunrise Lane if 0’ setbacks were proposed.

The City Attorney stated that there had been public notice of zoning in progress issues before it was taken up. He felt it was necessary to notify the public that such a change was going to be made, so appropriate notice could be provided and the subject placed on the next possible agenda. Commissioner Smith supported the idea, as did Commissioner Moore. With respect to the Burt Harris Act, Commissioner Moore asked staff how this situation was different from the situation in Miami. No one present could answer his question.

Commissioner Smith thought what had been done in Fort Lauderdale was that Section 47-26.A had been enacted and that told property owners that if zoning was changed, and the owners thought that was unfair, they could avail themselves of an ordinance that allowed the Commission to grant the previous zoning before filing claims under the Burt Harris Act. He thought that made this situation different from the situation in Miami. The City Attorney agreed.

Commissioner Smith believed Fort Lauderdale would be a world class resort, and he did not believe “tinkering” with this would harm that goal. He understood that Maui had a rule that buildings could not be taller than coconut trees, and that was a world class resort, so he thought Fort Lauderdale was heading in the right direction.

Mayor Naugle asked Commissioner Smith if he wanted to adopt the recommendation of the Planning & Zoning Board on Item 7 relating to the 200' maximum allowable length. Commissioner Smith disagreed with that recommendation because the properties in the ABA were very thin and very long. He was most concerned about the view corridor along the beach, and he did not think more than 200' would matter in the ABA on an east/west direction.

Commissioner Hutchinson believed the public had clearly stated its desire to maintain a 200' building length limit. Commissioner Smith understood the public's greater concern had been about buildings that ran north and south because they blocked views. He did not think cutting a slice out of a building to get around the 200' limitation made for a better building, although it might make people feel better. Commissioner Smith felt there should be some flexibility because it did not make any real difference.

Mayor Naugle supported the 200' limitation. Commissioner Hutchinson believed a building had been approved last week that had been split to meet the requirement, and everyone had referred to it as a signature project. She inquired about the PRD. Commissioner Smith believed an exception had been made in the PRD because it affected the Birch lot. He desired a low density development of no more than 6 stories, but it might not make sense to cut holes in a "village" concept. He felt that change had made sense.

Commissioner Katz agreed with Commissioner Smith that some flexibility was necessary. She pointed out that a developer might present a fabulous project, and she thought the Commission should retain the ability to make this type of decision.

Commissioner Moore thought the City Commission continued to try to design buildings before designers presented plans. Setbacks, shadowing, etc., were considered, but he felt this was a bit ridiculous. He thought each project should be considered on its own merits rather than trying to force certain designs with stringent requirements. Commissioner Moore felt that limited good design.

Commissioner Moore understood the City would not be harmed in terms of the Burt Harris Act by taking the recommended action tonight. The City Attorney said he had not made that indication. He stated that Fort Lauderdale had a mechanism for a project that could not be built because of a new regulation so the developer could demonstrate to the Commission why it could not be built under the new regulation and seek permission to develop under the previous zoning regulation. The City Attorney felt that provided an opportunity to consider projects under the previous zoning, but that was the only difference from the situation in Miami Beach. He had not meant to imply that property owners would not seek relief under the Burt Harris Act.

Commissioner Smith pointed out that a property owner would have a lot to prove to prevail under the Burt Harris Act. He explained that the Act referred to "investor backed expectations," so there had to have been some planning in the works at some point when the zoning was changed. He believed there was more to it than someone suing the City because the zoning had been changed.

Commissioner Hutchinson supported this with the exception of Item 6. She felt that in the PRD area, no more than 200' building lengths and widths should be allowed. Mayor Naugle agreed, but there were other benefits to be derived through this action, so he supported the ordinance as well.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-01-10

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-12.3, DEFINITIONS, TO REVISE THE DEFINITION OF HIGH RISE STRUCTURE; AMENDING SECTION 47-12.5, DISTRICT REQUIREMENTS AND LIMITATIONS, TO DELETE MARINA AS A CONDITIONAL USE IN THE IOA ZONING DISTRICT; TO DELETE EXCEPTION TO BEACH SHADOW REQUIREMENTS IN A PRD ZONING DISTRICT; TO REVISE THE WIDTH AND LENGTH REQUIREMENTS IN PRD AND ABA ZONING DISTRICTS; TO DELETE THE MINIMUM FLOOR AREA RATIO IN ABA ZONING DISTRICT; TO REVISE THE YARD REQUIREMENTS FOR DEVELOPMENT ON SUNRISE BOULEVARD IN SLA AND TO PERMIT TRANSFER OF DENSITY FROM IOA TO NBRA; TO AMEND DEVELOPMENT REVIEW REQUIREMENTS AND PROCEDURES FOR THE CENTRAL BEACH AREA DISTRICTS AND DELETE PROCEDURES NO LONGER APPLICABLE; AMENDING SECTIONS 47-6.20, 47-18.21 AND 47-21.10 TO LIMIT MAXIMUM DENSITY AND REQUIRE SIDEWALKS AND SHADE TREES FOR MIXED USE DEVELOPMENT EAST OF THE INTRACOASTAL WATERWAY, AND AMENDING SECTION 47-25.3, NEIGHBORHOOD COMPATIBILITY REQUIREMENTS, TO APPLY DESIGN GUIDELINES TO ALL NONRESIDENTIAL DEVELOPMENT LYING EAST OF THE INTRACOASTAL WATERWAY.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Hutchinson, Katz, and Mayor Naugle. NAYS: Commissioner Moore.

**Amend ULDR (Chapter 47) –**

**Central Beach and Barrier Island Zoning District -**

**Include Garages as Part of Floor Area Ratio (FAR) (PZ Case No. 18-R-99) ..... (PH-2)**

A public hearing was scheduled to consider an ordinance to amend the Unified Land Development Regulations (ULDR) to require garages to be included as part of FAR calculations for nonresidential uses east of the Intracoastal Waterway. Notice of the public hearing was published on March 10, 2001. (Also see PH-1 on this Agenda).

Applicant: City of Fort Lauderdale

Request: Amend ULDR to require garages to be included as part of FAR calculations for nonresidential uses east of the Intracoastal Waterway.

Mayor Naugle called for those who wished to be heard. The following appeared and were sworn in by the City Clerk:

Mr. Chris Wren, Zoning Manager, stated that the Planning & Zoning Board had held a special meeting in this regard on March 1, 2001, but it had recommended against this item by a vote of 2 to 4. He explained that this would amend the Zoning Code to include garages in the calculation of floor area ratios (FARs) on the barrier island east of the Intracoastal Waterway. He stated that the FAR was a building mass control mechanism often employed by zoning codes, and it was calculated by multiplying the square footage of a site by the designated FAR to come up with the amount of habitable floor area that would be allowed. Mr. Wren said that garages would now be included as part of the habitable floor area.

Commissioner Smith understood that other parts of a building not currently counted would be counted under this ordinance. Mr. Wren agreed that was correct. He explained that garages had counted in terms of residential uses in the past, but this would require all uses to count garages as well. He did not believe stair towers, mechanical rooms and elevators were counted in the FAR. Mr. Wren said this would only affect the PRD, ABA and the South Beach Marina Hotel area because those were the only 3 zoning districts on the barrier island that had FARs.

Mr. Wren noted that a chart had been distributed showing how inclusion of garages in the FAR calculation would affect existing development to provide a frame of reference. In addition, staff had determined that this action would further the Comprehensive Plan. He felt the proposed change expanded upon existing criteria in order to better define what could or could not be built. Mr. Wren said the existing process was a review process, and no one was assured any particular mass before completion of that process. He believed this would enhance that process and define compatibility better. Mr. Wren recommended approval.

*Mr. Charles McKirahan*, of the Beach Renaissance Group, was worried about this ordinance because he and his associates had several projects in process at this time. He stated that several hundred thousand dollars had been spent on a proposal that would be submitted soon for the Birch Las Olas lot, and these changes would have impact as zoning in progress. Mr. McKirahan wondered if his projects would be vested.

Mr. McKirahan had heard in the past that basement garages would not be counted in the FAR. Mr. Wren advised that he had misspoken earlier. He advised that the FAR referred to gross floor area and did not exclude anything. Therefore, it included mechanical rooms, stairwells, elevators, etc. He stated that this proposal would call for garages to be included in the calculation. Mr. McKirahan had heard that below grade parking would not be counted, so this had come as a surprise. He pointed out that below grade parking was not visible, so he did not know why it should count. Mr. McKirahan strongly urged the Commission to involve the professional development community in this process.

*Ms. Debbie Orshefsky*, representing the owner of property at the corner of Vista Mar and A-1-A, said she wanted to reiterate the comments she had made earlier and add one more thing. She stated that Exhibit 2 showed the existing projects that could not have been built if this regulation had been in place at the time. She believed this would be a wonderful exhibit to present at a trial under the Burt Harris Act. Further, she thought that if a project was presented to the Commission under the mechanism discussed by Commissioner Smith under Item PH-1 and was denied, the City would be subject to even greater exposure.

*Mr. Don Hall* stated that several things were disturbing about this proposal. He stated that most architects and planners agreed that garages should be included in the FAR. However, the problem with this ordinance was that it did not consider the effect of the change on the proper FAR for the zoning district as demonstrated on Exhibit 2. He did not think claims under the Burt Harris Act should be the Commission's primary concern, although it was an issue. Rather, he felt the primary concern should be a planning consideration. Mr. Hall wondered if this would really further the vision for the beach. He thought this might fulfill the law of unintended consequences because it would result in smaller buildings, but not necessarily quality buildings. Mr. Hall suggested this be given further consideration. Instead of including garages, he thought the City should consider the proper FAR for the appropriate zoning districts with the addition of garages.

Mr. Hall cited Fortune House as an example and pointed out the density reduction that would have occurred had that project been judged under this "draconian" ordinance. He noted that many buildings would become non-conforming uses if this ordinance were adopted.

*Mr. Sidney Calloway* agreed with Mr. Hall. He understood another item had been withdrawn from tonight's agenda, but that had included studying the effect of changes in the definition of FAR. He wondered if there was any opposition to table this item to provide for full consideration of the complete numerical study. Mr. Calloway thought the Commission would be better served by examining the entire numerical study particularly as to how it related to FARs with the inclusion of garages.

*Mr. William Scherer* thought these 2 land use changes represented the creation of classic Burt Harris Act claims of a magnitude of 30% to 50% by down-zoning the beach area density by 50%. He believed there had been inadequate notice and compliance with various laws. He encouraged the Commission not to do this because he felt it would be foolhardy to subject the City to claims in the hundreds of millions of dollars. As a taxpayer, Mr. Scherer urged the Commission not to take this action.

*Mr. Steve Tilbrook*, a member of the Beach Redevelopment Advisory Board, supported the Commission's efforts to focus significant resources on the vision for the beach and to achieve those objectives after an appropriate public review process. However, he was concerned about the impacts of this particular proposal to include garages in the FAR. He did not feel that issue should be considered alone, but in context with the other numerical items dealing with FAR, setbacks, building heights, mass, and density in order to create a comprehensive vision. Mr. Tilbrook noted that the Gold Coast Resort, approved last week, could not be built under this proposed change. He urged the Commission to table this item until it could consider the numerical study and form a comprehensive vision of the beach that would not significantly impact the investment backed expectations of those who had invested millions of dollars in the beach area.

*Mr. Don Zimmer*, a local Architect, stated that there were a multitude of ways to control the size of projects. He said that density referred to units per acre, and setbacks addressed the location of a building on a lot. He advised that FAR was a two-dimensional method of comparing floor slab square feet that could be built relative to the size of the site. Mr. Zimmer thought that if anyone was suggesting that FAR controlled the bulk of a building, they were deceiving a lot of people. He stated that FAR was not a panacea, but just another formula.

*Ms. Alysian Childs*, Central Beach Alliance, stated that beach area residents were concerned about the bulk and mass of buildings as well as the lack of green space around them. She advised that all of the meetings held in this regard had included architects and attorneys in an effort to come up with something fair; and, FAR had been one of the parameters studied. She stated that lot coverage, building height, and other parameters had been studied over the past 3 years. Ms. Childs was concerned that the numerical studies were not being presented with this, but she felt building mass and bulk on the barrier island had to be decreased.

*Mr. Bennett Zarren* said that he had been working on committees over the last 3 years trying to work through the various issues, and he took exception to those who claimed they had not been involved in the process. He advised that a lot of people had been invited to participate but had not elected to do so. Mr. Zarren said this was only a part of a number of issues under consideration, but the City Commission could adjust the numbers as they saw fit as the process moved forward. However, he felt it was an absolute necessity to consider a garage as a portion of a project. Mr. Zarren believed exposure through the Burt Harris Act had been “overblown,” and he hoped the Commission would support this as one of the issues that the consultant had studied.

**Motion** made by Commissioner Smith and seconded by Commissioner Moore to close public hearing. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Commissioner Smith supported this ordinance. He understood it was probably bold, and there would probably be a need to “tweak” it in the future. Nevertheless, he believed there was clear consensus in the community to be very careful on the beach. He agreed with Mr. McKirahan that below grade parking did not affect views and perhaps should be allowed as a bonus. Commissioner Smith thought the challenge before the Commission today was to go ahead and reduce the allowed density at the beach. He wanted to approve this ordinance on first reading with the understanding that there would be opportunities to examine the issues further.

Commissioner Katz said her only concern was doing this without looking at the whole picture. She believed the other issues would be presented on April 5, 2001, and she thought it might be best to wait and consider this at the same time as a package. Commissioner Moore felt this was a mistake, particularly in light of the chart included in the back-up information. He thought design guidelines were better in order to allow architects to put something on the table that made sense rather than forcing everyone to build the same structure everywhere.

Commissioner Moore suggested a two-hour workshop on April 17, 2001 to allow everyone an opportunity to discuss all the details. He did not want to force this issue because he was concerned that it might be a mistake. Commissioner Moore agreed there were some massive buildings on the beach that were regrettable, but he did not know if this was the way to prevent such development in the future.

Commissioner Hutchinson said she had planned to support this tonight, but she would be more comfortable with completion of the numerical studies. She favored Commissioner Moore’s idea of a workshop, but not during a regular Commission meeting. Mayor Naugle pointed out that this could be passed on first reading tonight and a workshop held prior to second reading on April 17, 2001. He thought the workshop could be held during the day on that date. Commissioner Moore did not support that idea. He preferred to have the dialogue first.

Commissioner Smith wanted to remind everyone that this had stemmed from a beach building moratorium enacted in February 1998, which was supposed to last 5 months. More than 2 years had passed, and the effort had still not been completed so he saw no reason to wait any longer. He felt that if the Commission agreed the FAR should be used to ensure buildings would not be as large in the future; it should proceed. Commissioner Smith suggested a target of 20% across the board reduction with an ordinance adopted in April. He felt that was a reasonable compromise.

Commissioner Moore said he wanted staff to consider the suggestions made by Mr. Zimmer. Commissioner Smith stated all of those issues had already been thrashed out, and he did not want to go in another direction now. Commissioner Katz thought it would be helpful to hear from some designers, architects and planners about some of the other ways to deal with mass and volume. Mayor Naugle believed this idea had been suggested as a delaying tactic.

Commissioner Moore asked if the development industry could provide some three-dimensional modeling to demonstrate the impact of the recommendations concerning FARs. Commissioner Hutchinson had not realized the numerical studies had been withdrawn from the agenda and had read the material. She said it had made reference to FARs, and she wondered if those numbers were more aggressive than the numbers in this case relating to inclusion of garages. Mr. Wren replied that it appeared the numerical studies were a little more aggressive, and staff had wanted to examine the total affect before presenting it to the Commission. Staff also desired some "before and after" three-dimensional models.

Mayor Naugle was comfortable voting on this tonight because he felt those FARs had been in effect for residential properties all along, and it had only been a staff interpretation that had liberalized the requirements. He saw no reason to have FARs if garages were not included, and he viewed this as more of a clarification than any change. However, it appeared the Commission wanted to defer the item to allow another Conference discussion.

Commissioner Smith thought a community meeting would be productive prior to Conference discussion and presentation of the ordinance on first reading on April 17, 2001.

**Motion** made by Commissioner Smith and seconded by Commissioner Moore to defer this item to April 17, 2001 at 6:00 P.M. following Conference discussion on the same date. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

The City Manager understood the Commission wanted to consider the Barrier Island Numerical Study in conjunction with this item on April 17, 2001.

**Vacate a Portion of S.E. 2 Street between S.E. 8 Avenue and Federal Highway – The Las Olas Company, Inc. et al (PZ Case No. 20-P-00) ..... (O-1)**

At the Planning and Zoning regular meeting of January 18, 2001, it was recommended by a vote of 4 to 3 that the following application be approved. Notice of the public hearing was published March 3 and 10, 2001, and presented for first reading on March 15, 2001. On March 15, 2001, first reading was deferred to June 19, 2001 by a vote of 3 to 2 (Hutchinson and Naugle). (Also see Item O-2 on this Agenda).



Applicant: The Las Olas Company, Inc. et al  
Request: Vacate a portion of S.E. 2 Street  
Location: S.E. 2 Street between S.E. 8 Avenue and Federal Highway (U.S. 1)

**Motion** made by Commissioner Moore and seconded by Commissioner Smith to defer second reading to July 3, 2001 at 6:00 p.m. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Vacate a Portion of Alley South of S.E. 2 Street between S.E. 8 Avenue and Federal Highway – The Las Olas Company, Inc. et al (PZ Case No. 21-P-00) ..... (O-2)**

At the Planning and Zoning regular meeting of January 18, 2001, it was recommended by a vote of 6 to 1 that the following application be approved. Notice of the public hearing was published on March 3 and 10, 2001, and was presented for first reading on March 15, 2001. On March 15, 2001, first reading was deferred to June 19, 2001 by a vote of 3 to 2 (Hutchinson and Naugle). (Also see Item O-1 on this Agenda).

Applicant: The Las Olas Company, Inc. et al  
Request: Vacate a portion of alley  
Location: South of S.E. 2 Street between S.E. 8 Avenue and Federal Highway (U.S. 1)

**Motion** made by Commissioner Smith and seconded by Commissioner Moore to defer second reading to July 3, 2001 at 6:00 p.m. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Amendment to the Pay Plan – Schedules I and VI and Creation of Pay Range R-9 ..... (O-3)**

An ordinance was presented amending the Pay Plan of the City to provide for new classes, adjust the pay range within a class, and establish Pay Range R-9. Ordinance No. C-01-9 was published on March 5, 2001, and adopted on first reading on March 15, 2001 by a vote of 5 to 0.

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-01-9

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA PROVIDING FOR NEW CLASSES, ADJUSTING THE PAY RANGE WITHIN A CLASS AND ESTABLISHING A PAY RANGE R-9. \_\_\_\_\_

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Amendment to the Pay Plan – Schedules I and II..... (O-4)**

An ordinance was presented amending the Pay Plan of the City, providing for modifications in the schedules of pay ranges for supervisory, professional, managerial and confidential employees; amending Code Section 20-67(a)(2) providing for an increase in longevity pay rates for certain employee categories; amending Schedule I of the Pay Plan modifying the retiree health benefit formula for fire managers and supervisors, for police managers and supervisors, for non-bargaining unit supervisory, professional and managerial employees and for non-bargaining unit confidential employees; amending Schedule I of the Pay Plan adjusting allowance benefits for certain categories of employees, and modifying the pay ranges for Battalion Chief and Division Chief within the Fire-Rescue Department. Notice of the proposed ordinance was published on March 5, 2001, and presented for first reading March 15, 2001. On March 15, 2001, the City Commission deferred first reading to March 20, 2001 by a vote of 5-0.

Commissioner Smith introduced the following ordinance on first reading:

**ORDINANCE NO. C-01-11**

**AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA PROVIDING FOR MODIFICATIONS IN THE SCHEDULES OF PAY RANGES FOR SUPERVISORY, PROFESSIONAL MANAGERIAL AND CONFIDENTIAL EMPLOYEES; AMENDING CODE SECTION 20-67(a)(2) PROVIDING FOR AN INCREASE IN LONGEVITY PAY RATES FOR CERTAIN EMPLOYEE CATEGORIES; AMENDING SCHEDULE I OF THE PAY PLAN MODIFYING THE RETIREE HEALTH BENEFIT FORMULA FOR FIRE MANAGERS AND SUPERVISORS, FOR POLICE MANAGERS AND SUPERVISORS, FOR NON-BARGAINING UNIT SUPERVISORY, PROFESSIONAL AND MANAGERIAL EMPLOYEES AND FOR NON-BARGAINING UNIT CONFIDENTIAL EMPLOYEES; AMENDING SCHEDULE I OF THE PAY PLAN ADJUSTING ALLOWANCE BENEFITS FOR CERTAIN CATEGORIES OF EMPLOYEES; AND MODIFYING THE PAY RANGES FOR BATTALION CHIEF AND DIVISION CHIEF WITHIN THE FIRE DEPARTMENT.**

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Katz. NAYS: Mayor Naugle.

**Agreement – Florida Department of Transportation (FDOT) - Project 15395 – Broward Boulevard Streetscape Improvements ..... (R-1)**

A resolution was presented authorizing the proper City officials to execute an agreement with FDOT for it to install concrete paver block details in the intersections of Andrews Avenue and Third Avenue with Broward Boulevard, with the Downtown Development Authority (DDA) to provide such project funding under separate agreement. (Also see Item M-10 on this Agenda).

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-56

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, PROVIDING FOR THE INSTALLATION OF CONCRETE PAVER BLOCKS IN THE BROWARD BOULEVARD INTERSECTIONS AT ANDREWS AVENUE AND THIRD AVENUE.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Reschedule the April 3, 2001**

**Conference and Regular Meetings to April 5, 2001 ..... (R-2)**

A resolution was presented rescheduling the Tuesday, April 3, 2001 Conference and Regular meetings to Thursday, April 5, 2001.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-57

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE APRIL 3, 2001 REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO APRIL 5, 2001.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Amend Chapter 8 -**

**Boats, Docks, Beaches and Waterways – Waterski Areas ..... (O-5)**

An ordinance was presented amending Chapter 8 of the Code of Ordinances entitled, "Boats, Docks, Beaches and Waterways," by amending Section 8-1, "Definitions," amending Section 8-166, "Establishing Idle Speed No Wake Zones and Slow Speed Minimum Wake Zones; Establishing Watersports Activities Areas," and amending Section 8-167, "Expanding Waterski Prohibited Areas." Notice of the proposed ordinance was published March 10, 2001.

Mr. Jamie Hart, Supervisor of Marine Facilities, noted that documentation relating to the history of this issue had been distributed dating from 1997. He advised that the most extensive review done by the Marine Advisory Board had consisted of an expansion of water sports to 9 areas throughout the City. Ultimately, in 1997, the City Commission had adopted an ordinance that had expanded the Middle River to include the area south of the Sunrise Boulevard bridge to the confluence of the Intracoastal Waterway with a provision that restricted water skiing with a maximum vessel size of 21' and a single screw power capability. All other vessels had to travel at slow speed, minimum wake.

Mr. Hart recalled that during the review process at the time, the City Commission had elected not to reopen Lake Sylvan and the Rio Barcelona Canal to water skiing. He stated that the Marine Patrol had re-reviewed those two locations and did not feel they should be reopened because there was no documented evidence of problems related to safety and navigation in the current zones on the Middle River.

Mr. Hart stated that this ordinance generally clarified definitions and recommended that water craft engaged in water skiing not exceed a maximum of 35 miles per hour (MPH), which was currently not contained in the Code. He advised that there were Marine Patrol Officers present to answer any technical questions.

Commissioner Moore asked if there was the same amount of space on Lake Sylvan and the Rio Barcelona Canal as there was on the Middle River. Mr. Hart advised that Lake Sylvan was fairly large, but he did not believe it had the same amount of waterway as there was on the Middle River.

Commissioner Smith believed the Commission had requested some type of satellite marine enforcement station somewhere in the northern part of the City. He asked if any headway had been made in that respect. Sergeant Tom Ogden, of the Marine Patrol, stated that a boat had been placed at the Coral Ridge Yacht Club a few years ago, but there had been a lot of problems. He explained that the boat had been burglarized several times, and a lot of equipment had been stolen. In addition, there were issues with traveling time to fueling facilities, etc. Sergeant Ogden believed a more efficient job was done through a central location.

Captain Scott Israel said that an action plan had been instituted in July 2000, and it had been scheduled to last through early October. He reported that from July 12 through August 27, 2000, 505 man hours had been spent on the Middle River. However, the action plan had been canceled due to inactivity and the small number of tickets issued. Captain Israel stated that since that time, enforcement on the Middle River had been provided on Fridays and Saturdays from 8:00 A.M. to 2:00 A.M. That effort had continued through October, but there had been very little boating activity and very little need to maintain this level of enforcement. Captain Israel advised that the Marine Patrol had then reverted to its "regular schedule" to cover the waterways from 8:00 A.M. to midnight, but the most aggressive enforcement was conducted on the Middle River to this day.

Captain Israel stated that the officers on the Middle River and the citizens to whom they had spoken had observed very little congestion on the Middle River and very little need to increase enforcement levels in that area. Commissioner Smith asked what kind of citations were issued in the area. Captain Israel replied that most were for violations of the no wake zone, and very few tickets had been issued to water skiers. Sergeant Ogden agreed the violations usually involved violating the water ski area, but usually did not involve skiers.

Commissioner Moore understood there was no problem on the Middle River according to the Marine Patrol, so the only reason for this hearing was that there were residents who felt skiing should be allowed in all areas if it was going to be allowed in one area. Sergeant Ogden agreed that was his understanding of the issue.

Commissioner Katz asked how long the boat docks at George English Park had been closed. Sergeant Ogden was not sure, but it had been more than 6 months. Commissioner Katz asked if that had an effect on the water skiing activities. Sergeant Ogden was sure it had an effect, but he did not think there was a great difference based on the Marine Patrol's experience before the docks were closed for the Park project.

Commissioner Moore read aloud a resolution adopted by the City of Wilton Manors opposing additional restrictions on speed on the Middle River to prohibit water skiing.

*Ms. Christine Teel*, President of the Sunrise Intracoastal Homeowners' Association, a member of the Marine Advisory Board, and a resident of property along the Middle River across from the Rio Barcelona Canal, displayed an aerial photograph of the area. She stated that in 1996, 191 homeowners had petitioned the City to restrict speed on the waterways in order that they be treated equally with other areas of Fort Lauderdale that were protected by speed restrictions. After a year and a half, the City Commission had implemented the water ski zone on the Middle River with the understanding that it would be revisited if it did not work out.

Ms. Teel stated that the water ski zone had been given a fair trial for over 3 years, but it had not worked. She advised that the entire burden of high speed water sports had been placed on the Middle River over the years as other areas were granted minimum wake restrictions. Ms. Teel felt it was unfair and unworkable. She pointed out that there were vessels of every size traversing the Middle River, and there were water skiers darting in and out among the boat traffic. Ms. Teel said it was difficult for the boat captains, and she felt this was "an accident waiting to happen."

Ms. Teel advised that skiing had become more of a thrill ride than a sport with children being towed on inner tubes and skiers performing tricks in the air. With the variety of boat traffic, docks, pilings and blind curves, she felt it was one of the least safe areas for skiing in the City. She stated that a number of waterways had been closed to the sport over the years as listed in the back-up material. She thought the Marine Patrol was doing the best it could with available resources, and it was unreasonable to expect it to dedicate officers exclusively to this area. Ms. Teel said that lawbreakers behaved when the officers were present, but the situation was quite different once they left. That was why she was not surprised by Sergeant Ogden's report, and to know the situation, the River had to be observed 24 hours a day without the police being visible to the boaters.

Ms. Teel felt this area should be treated like the other areas of the City. She thought either some of the burden on this area should be alleviated by reopening other areas to water sports or by closing this area before another tragedy occurred.

*Mr. Harry Teel* supported his wife's position in this regard. He wanted fair and equitable treatment because he felt like a second-class citizen because this burden had been placed completely and solely on this area. Mr. Teel said that this particular body of water had a unique configuration with curves and angles that skiers had to negotiate, and he believed there was a legitimate safety issue. Mr. Teel said the Marine Patrol was doing an excellent job, and the situation was controlled when the officers were present. However, that presence could not be provided all the time.

*Mr. Beda Dondi* said he lived on the Middle River just a few houses north of the Sunrise Boulevard Bridge, and he enjoyed the water sports available in the area. He had grown up in Fort Lauderdale, and there used to be a lot of places to enjoy these sports, but they had been progressively eliminated, leaving only 2 places for these activities. Mr. Dondi said a lot of people enjoyed these sports, and that was one of Fort Lauderdale's greatest treasures, and he thought it would be a tragedy to eliminate one of the few places left for the sport. In fact, he felt there should be more areas for these sports so there would be less congestion on the Middle River.

*Mr. Steve Shelton*, 2208 Sunrise Key Boulevard, sympathized with the people who lived along the Middle River, and he had bought his home with the knowledge that it was in a no-wake zone. He felt it would be unfair to change that now, and he agreed there were safety issues to be considered.

*Ms. Cindy Jacobs* did not want the Rio Barcelona Canal to be reopened to water skiing. She stated that the pollution in that canal had been well documented, and there were huge yachts backing out of the Las Olas Isles into the Canal. In addition, there was no turnaround basin, and the area had been closed to water skiing for about 10 years. During that time, there had been an increase in the number of canoes, kayaks, and sailboats on the water, and she felt that reopening this canal would be a dramatic step backwards in terms of quality of life.

*Mr. Jim Grady*, of Sunrise Key Boulevard, had enjoyed water skiing throughout his life, but he did not want water skiers in his back yard, disturbing his boat, and reducing the value of his property. He also believed there was a safety issue involved, and he was concerned about the potential liability. Mr. Grady said he would be very upset if the right to peacefully dock a boat behind his home was eliminated.

*Mr. Kevin Merrigan*, 1341 Middle River Drive, stated that he was a member of the Marine Industries Association of South Florida, and he made a living in the boating industry. He advised that it was dangerous to ski on the Middle River because the closure of other areas had created unfair congestion in that location. He felt that as the "Yachting Capital of the World," Fort Lauderdale should set an example of conscientious and safe use of the waterways. Mr. Merrigan noted that the canals in Venice called for idle speed, and he thought that was appropriate in the "Venice of America."

Mr. Merrigan proposed establishment of George English Park as a boating center. He stated that he would contribute a couple of boats, some money, and some time to get it started. Mr. Merrigan advised that use of the waterways should not be limited to high speed boats in this area, and he thought kayaking and sailing programs could be established in conjunction with the Elementary School. He appreciated all facets of boating, but times had changed, and it was no longer safe to water ski in this area. Mr. Merrigan felt the 3-year experiment on the Middle River had failed and asked the Commission to eliminate it from this area. Failing that, he thought other areas should be opened to skiing.

*Ms. Alice Smith* lived at the confluence of the Middle River and the Rio Barcelona Canal. She felt this was a dangerous situation, although things slowed down considerably when the Marine Patrol was in the area. She felt that if the City Commission wanted to maintain this water sports area, it should provide some relief by opening other areas as well.

*Mr. Michael Gagne* felt the safety issue was important, but he had bought his home because he enjoyed these sports. He thought it would be a tragedy to lose these activities, although it was pretty hectic on the River from noon until 3:00 P.M. on the weekends, but it was quiet the rest of the time. Mr. Gagne felt water skiing was a great family activity, and he did not think the rights of a few landowners should detrimentally affect the rights of the entire community. He stated that a lot of families had small boats, and they would have nowhere to use them in the City. Mr. Gagne hoped the Commission would preserve this important family activity.

*Mr. Jesse Gaddis* hoped the Commission would be fair in this situation. He thought it was only a matter of time before there was a law suit.

*Ms. Linda Stewart*, a resident of Sunrise Key, stated that her Canal was straight, but there were 8 or 9 intersections with other canals from which large boats were backing out. In addition, there were a lot of other water sports going on in the area, and she did not think this area should be reopened to water skiing.

*Dr. Stephen Jacobs*, 2216 Sunrise Key Boulevard, stated that water skiing in and of itself was not a dangerous sport but, when injuries occurred, they could be devastating and fatal. He had treated people with these injuries, and collisions were the primary issue. He felt there was a mismatch of speed in this area, much as there would be if 1 car was going 15 MPH on I-95 while the other cars were going 70 MPH. Dr. Jacobs said the problem with the Rio Barcelona Canal was intersecting waterways at right angles. He did not believe a boat going 30 MPH could react in time at these intersections. Dr. Jacobs felt the blind curve on the Middle River presented another major problem.

*Ms. Sally Nichols*, 2400 Sunrise Key Boulevard, said she had recently purchased her home because of the quiet waterway. In addition, she felt the safety issues were extremely important and had been the reason the Canal had been closed 10 years ago.

*Mr. Don McClosky* hoped the Commission would not reopen the Rio Barcelona Canal. He had measured the waterways in the area and pointed out that there were numerous boats docked in the Las Olas Isles, and the Rio Barcelona Canal was the only way for them to reach the Intracoastal Waterway. Further, many could only back out into the Canal. In addition, there were tourist vessels and fishing boats that blocked the canal when they turned. Mr. McClosky thought Fort Lauderdale had a wonderful water skiing area called the Atlantic Ocean.

Mr. McClosky pointed out that streets had different speed limits based on conditions, and the same was necessary on the waterways. He hoped the Commission would not open up the Rio Barcelona to water skiing because it would not be in the best interests of the City or the residents. Mr. McClosky also added that the Canal had been closed in the first place after lengthy hearings and good reason.

*Mr. Bill Ciani* said he had lived on the Middle River for 22 years and had water skied in Fort Lauderdale his whole life. He stated that the areas that had already been closed were wonderful, safe water skiing areas. Mr. Ciani stated that the Rio Barcelona Canal offered a beautiful straight run for skiing, and Lake Sylvan provided a wide area. He felt that by closing those areas, the City had created the problem on the Middle River. Mr. Ciani noted that all of the skiers from Wilton Manors used the area, too, and the situation in this location had been made worse because all of the areas had been closed. He wanted to see all of the others reopened, although he did not expect the Commission had the political fortitude to do so.

*Mr. Joe Slama*, 701 Middle River Drive, pointed out that there were 165 miles of waterways in Fort Lauderdale, but only a mile or so remained for water sports, creating an extremely hazardous situation. He thought the people on the Rio Barcelona Canal were those who had been given the benefit of the no-wake zone, and they felt strongly enough about it to come out tonight and fight to keep it because it was a question of safety. Mr. Slama had submitted a proposal, and he felt it was a matter of fairness to treat the Middle River the same as the other areas. Although it was unfortunate, the reality was that skiing was no longer safe in Fort Lauderdale. Mr. Slama did not think it would be practical to reopen the other areas, which had been closed for good reason.

Mr. Slama did not believe putting a Marine Patrol station on the Middle River could work. The Police Department simply could not provide a presence for 16 hours a day, and that was what it would take to make it safe. He also did not feel that would be fair to the other citizens of Fort Lauderdale. Mr. Slama understood this ordinance found that every area except the Middle River was dangerous for water skiing. He noted that one of the water taxi drivers had indicated that the Middle River was also dangerous for skiing because of its confluence with other waterways. Mr. Slama encouraged the Commission to close this area to water skiing and treat it same as every other area.

*Mr. Ryan Sturgis*, 407 Idlewyld Drive, stated that this was the last place left for water skiing with the exception of the Ocean, but that presented problems, too. He pointed out that was not safe for the younger skiers who would have to travel through one of the busiest ports in the world, and there was the problem with sharks and jelly fish. Mr. Sturgis understood the difficulties, but he thought speeding could be controlled with proper enforcement. He also did not believe boats could not turn around in the Rio Barcelona Canal because it was wider than the water ski area in Mills Pond Park. Mr. Sturgis stated that the large boats had the right-of-way because the smaller boats were more agile. Therefore, it was easy for them to avoid larger vessels backing out, and he felt the Rio Barcelona Canal should be reopened to mitigate the congestion on the Middle River.

*Mr. Andy Butler* hoped the Commission would not close any areas to water skiing. He had been water skiing on the Middle River for the past 8 months, and he had never had any trouble. Mr. Butler stated that there was plenty of room to ski past the large vessels, which were slow moving. He did not believe safety was a problem, although he felt opening more areas was a great idea because the more there were, the safer they would all be. Mr. Butler said that skiing on the Ocean was a terrible idea because it was too choppy, and going through the Port was not a good idea, particularly for younger people.

*Mr. Ed Finley*, former President of the Gold Coast Ski Club, said he had moved to this area 11 years ago for water skiing, and he knew others who had moved here for the same reason. He felt it was a big attraction in the area, but an enormous amount of water had been lost to water skiing over the past 11 years. Mr. Finley understood people believed there was a safety problem, but the Coast Guard statistics indicated otherwise. He stated that water skiing typically accounted for 1% to 2% of boating accidents, and it was a very safe sport. Mr. Finley did not blame homeowners for wanting quiet, but this was a public waterway, and the facts showed that safety was not an issue. He also noted that water boards were being used more frequently, and speeds of about 16 MPH were typical.



*Mr. Jeff Calderone* said he lived along the Rio Barcelona Canal, and he did not think opening that waterway would solve the problem on the Middle River. Rather, it would just create a new problem on the Rio Barcelona Canal. He did not feel it was wide enough, and there was no turning basin, so he thought reopening it would be dangerous.

*Mr. Alan Gabriel*, 2525 Middle River Drive, said he lived in a no-wake zone, but there were still skiers behind his house, and he had never seen a Marine Patrol officer in the area. He recalled a time when the officers would stop for coffee and cookies, but that had not happened lately. Mr. Gabriel had children and said he would love to see the City open more waterways for skiing. However, if that was not possible, he hoped the Commission would consider the issue of fairness. He said he did not take his boat out on weekends because of the traffic, and he hoped the Commission would open the whole City or close the Middle River to skiing.

Mayor Naugle said he had been dealing with this issue for many years dating back to 1976 when he had served as a member of the Marine Advisory Board and 16 years as a member of the Commission. He hoped the Commission would keep the areas closed that were closed already and continue to allow skiing on the Middle River. Mayor Naugle pointed out that the professionals had indicated there was not a major safety problem. Although he felt for those who had to put up with the noise, most of those property owners had been aware there was skiing when they purchased their homes. Mayor Naugle thought it would be less safe to force young people out into the Ocean by eliminating this area, and the Police Department had indicated the situation on the Middle River was safe.

Commissioner Katz referred to the meeting minutes from 1997, and the Marine Advisory Board had suggested that a number of lakes or canals remain open, but the Commission at the time had decided against that recommendation. After a lot of discussion, a decision had been made to try the Middle River water sports area for approximately 6 months. She thought there had been fewer problems since George English Park had been closed, but she had continued to receive calls and letters indicating that it was a problem.

Commissioner Katz thought that if there were going to be closed waterways at all, it was not fair to leave 1 area open for everyone. She suggested that other areas be considered for water skiing such as Lake Sylvan, Mills Pond Park, Mayan Lake, and a list had been given to her today by the County's Parks Director of 8 or 9 lakes or rock pits that might be suitable. Commissioner Katz noted that each of those were in different cities, and she was hopeful that some Parks Bond money could be used to work with those communities and the County to provide another place for water skiing in Broward County. Nevertheless, she did not think it was fair to close all the other waterways and leave this one open and concentrate the activity in one place.

Commissioner Moore agreed this was "red lighting." He felt it was inappropriate to concentrate all of this activity in one area of the City. Commissioner Moore said he had seen people on inline skates mingling with pedestrians and other activities on the beach, and he thought water skiers could work through the different boats on the water. He suggested the opening of 2 more areas within the City's jurisdiction, or perhaps the areas could be rotated so everyone had a little of it and no one had it all. Commissioner Moore understood the feelings of those in no-wake areas who wanted to keep it that way, but it was not fair to concentrate all of the activity on one area.

Commissioner Hutchinson believed the water ski zone had been “sold” to residents as a trial. She noted that petitions dated back to 1996 concerning about the water skiing, and she was not prepared to open up any other particular areas at this time. Nevertheless, she did not think it was fair to inflict this on one area of the City.

Commissioner Smith did not like any of the options, but he was certain the status quo was not fair. On the other hand, he did not want to outlaw water skiing in Fort Lauderdale. He thought the jet skis were probably the greatest problem. The City Attorney advised that the current ordinance in this regard had been challenged that created the water sports activity area in the Middle River, and a temporary injunction barred enforcement on patrons of Bill’s Sunrise Boat Rentals. He stated that all aspects of the ordinance other than jet skis were being enforced, and the courts had determined there had been a basis for a distinction. He explained that the challenge was primarily based on loss of income to an established business. The City Attorney said there was a new judge.

The City Attorney noted that if the Commission pursued the remedy suggested by Commissioners Katz and Hutchinson, the jet ski issue became moot. He explained that there would be an across the board speed limit without any distinction drawn between different types of vessels engaging in different activities. The City Attorney was not sure how water skiing on the Intracoastal Waterway was enforced, but there were areas there where skiing was permitted.

Sergeant Ogden stated there was a 25 MPH speed limit in certain areas of the Intracoastal Waterway due to manatee regulations, etc., and those speed limits were enforced within the limits of Fort Lauderdale. He advised that personal watercraft had always been a concern in terms of injuries. Commissioner Smith wondered how many tickets had been issued to people using jet skis over the past month, and Sergeant Ogden said he could provide that information. He advised that there had only been about 35 tickets issued during the entire period of the action plan, and he had been seeing fewer and fewer jet skis.

Commissioner Smith heard that it was difficult to distinguish between Bill’s customers and private jet ski operators. Sergeant Ogden agreed it was somewhat difficult because if one operator saw another speeding, he thought he could as well. During the action plan period, a “no tolerance” attitude had been taken in order to get a good idea of the conditions.

Commissioner Smith believed it was too choppy to water ski in the Ocean, but he understood some places had a “breakwater” that resulted in smoother inner waters. He wondered if that was a possibility, and if there could be an area on the beach where motor boats could be launched to use the breakwater. Mayor Naugle thought it would be difficult from a permitting standpoint, and it would be extremely difficult to launch this type of watercraft from the beach because of the propellers. He believed it would take 10 years to build a breakwater even if launching from the beach was not a problem.

Mayor Naugle agreed with Commissioner Katz in that the City should try to get some of the areas in the County opened for water skiing, along with Mills Pond Park, and that would help relieve some of the traffic on the Middle River. Commissioner Smith understood Mayor Naugle did not want to open other areas, but he wanted to retain the Middle River ski zone. Mayor Naugle agreed that was his position. He understood half the residents did not mind it, and the Police Department had indicated it was not a safety hazard.

Commissioner Smith wondered why no one was present to discuss Lake Sylvan, the New River or Mayan Lake. He thought they must have thought no one on the Commission was seriously considering reopening those areas. Commissioner Katz felt the public might have felt only the Middle River was going to be discussed this evening. Commissioner Smith asked how this ordinance had been noticed. The City Attorney replied that the agenda was advertised, and the ordinance title was published, but notice had not been geography specific. He explained that the ordinance title was broad enough to open up 1 or 2 or 5 or 7 areas, and it would also cover removing the last of the areas from the water sports area definition.

Commissioner Smith said the only thing he was sure of was that it was not fair to leave only 1 area open to water sports. However, he hoped someone could find a creative way to avoid banning water skiing in the Venice of America because that would be wrong, too.

**Motion** made by Commissioner Katz and seconded by Commissioner Hutchinson to impose a slow speed, minimum wake in the current water sports area on the Middle River and idle speed at the bridge. Roll call showed: YEAS: Commissioners Katz, Hutchinson, and Smith. NAYS: Commissioner Moore and Mayor Naugle.

Commissioner Katz introduced the following ordinance on first reading, as amended to provide for slow speed, minimum wake in Section 8-166; to delete references to water sports activities areas in Subsection C of that Section; and, to delete references to water skiing prohibited in Section 8-167:

#### ORDINANCE NO. C-01-12

AN ORDINANCE AMENDING CHAPTER 8, BOATS, DOCKS, BEACHES AND WATERWAYS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE BY AMENDING CODE SECTION 8-1, DEFINITIONS; AMENDING CODE SECTION 8-166 ESTABLISHING IDLE SPEED NO WAKE ZONES AND SLOW SPEED MINIMUM WAKE ZONES; ESTABLISHING WATERSPORTS ACTIVITIES AREA; AND AMENDING CODE SECTION 8-167 EXPANDING WATERSKI PROHIBITED AREAS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Hutchinson, and Katz. NAYS: Commissioner Moore and Mayor Naugle.

Mayor Naugle announced that the ordinance would be presented on second reading on April 5, 2001.

#### **Advisory Board Appointments** ..... (OB)

The Assistant City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Education Advisory Board

Pearl Maloney-Moore

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-58

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Water Skiing ..... (OB)**

Commissioner Smith asked if a resolution could be adopted to develop some creative proposals for accommodating water skiing somewhere. Mayor Naugle suggested that a presentation be made on the locations Commissioner Katz had identified as well as any other locations suggested by the community. Commissioner Smith believed the Land Preservation Board might be meeting before the Commission met again, and he wanted it to have a resolution seeking its assistance in finding appropriate places.

**Motion** made by Commissioner Smith and seconded by Commissioner Katz to approve a resolution with language drafted by the City Attorney for presentation to the Land Preservation Board. Roll call showed: YEAS: Commissioners Katz, Moore, Hutchinson, Smith, and Mayor Naugle. NAYS: none.

**Item II-B from March 15, 2001 Conference Meeting – Construction of One-Stop Shop at Lincoln Park ..... (OB)**

Mayor Naugle recalled that discussion of this item had been deferred from the March 15, 2001 meeting, and there had been an attached proposal to prepare the former homeless site and the helistop site to provide additional parking in the downtown when certain garages had floors out of service. He explained that it had been part of the back-up memorandum relating to the One Stop Shop, although it did not really relate to it. At this time, staff needed authorization to go forward with planning those parking lots.

Mr. Bud Bentley, Assistant City Manager, explained that the only relationship to the issue of the One Stop Shop was that there would be a temporary use until the Commission made a decision as to the use of the property. Therefore, this interim, temporary use would not affect the ultimate disposition of the property.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson for a temporary (public use) of the 100-space parking lot at this location to relocate vehicles from the Downtown Parking Garage and the City Hall Garage during the upcoming major repair projects. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

The City Attorney advised that an earlier speaker, Mr. Bill Ciani, had asked him to clarify for the record that he was not the owner of Bill's Sunrise Boat Rentals.

At 9:50 P.M., Mayor Naugle adjourned the meeting.

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Jim Naugle  
Mayor

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Nancy Irene Ball  
Assistant City Clerk